

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 840

Introduced by McDonald, 41; Dubas, 34; Friend, 10; Lathrop, 12;
McGill, 26; Pahls, 31; Pirsch, 4; Rogert, 16;
Stuthman, 22; Wallman, 30.

Read first time January 10, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-405, Revised Statutes Supplement, 2007; to change
3 provisions relating to the Uniform Controlled Substances
4 Act; to define a term; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Revised Statutes Supplement,
2 2007, is amended to read:

3 28-405 The following are the schedules of controlled
4 substances referred to in the Uniform Controlled Substances Act:

5 Schedule I

6 (a) Any of the following opiates, including their
7 isomers, esters, ethers, salts, and salts of isomers, esters, and
8 ethers, unless specifically excepted, whenever the existence of
9 such isomers, esters, ethers, and salts is possible within the
10 specific chemical designation:

11 (1) Acetylmethadol;

12 (2) Allylprodine;

13 (3) Alphacetylmethadol, except levo-alphacetylmethadol
14 which is also known as levo-alpha-acetylmethadol, levomethadyl
15 acetate, and LAAM;

16 (4) Alphameprodine;

17 (5) Alphamethadol;

18 (6) Benzethidine;

19 (7) Betacetylmethadol;

20 (8) Betameprodine;

21 (9) Betamethadol;

22 (10) Betaprodine;

23 (11) Clonitazene;

24 (12) Dextromoramide;

25 (13) DifenoXin;

- 1 (14) Diampromide;
- 2 (15) Diethylthiambutene;
- 3 (16) Dimenoxadol;
- 4 (17) Dimepheptanol;
- 5 (18) Dimethylthiambutene;
- 6 (19) Dioxaphetyl butyrate;
- 7 (20) Dipipanone;
- 8 (21) Ethylmethylthiambutene;
- 9 (22) Etonitazene;
- 10 (23) Etoxeridine;
- 11 (24) Furethidine;
- 12 (25) Hydroxypethidine;
- 13 (26) Ketobemidone;
- 14 (27) Levomoramide;
- 15 (28) Levophenacylmorphan;
- 16 (29) Morpheridine;
- 17 (30) Noracymethadol;
- 18 (31) Norlevorphanol;
- 19 (32) Normethadone;
- 20 (33) Norpipanone;
- 21 (34) Phenadoxone;
- 22 (35) Phenampromide;
- 23 (36) Phenomorphan;
- 24 (37) Phenoperidine;
- 25 (38) Piritramide;

- 1 (39) Proheptazine;
- 2 (40) Properidine;
- 3 (41) Propiram;
- 4 (42) Racemoramide;
- 5 (43) Trimeperidine;
- 6 (44) Alpha-methylfentanyl,
- 7 N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide,
- 8 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;
- 9 (45) Tilidine;
- 10 (46) 3-Methylfentanyl,
- 11 N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide, its
- 12 optical and geometric isomers, salts, and salts of isomers;
- 13 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its
- 14 optical isomers, salts, and salts of isomers;
- 15 (48) PEPAP
- 16 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine), its optical
- 17 isomers, salts, and salts of isomers;
- 18 (49) Acetyl-alpha-methylfentanyl
- 19 (N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide), its
- 20 optical isomers, salts, and salts of isomers;
- 21 (50) Alpha-methylthiofentanyl
- 22 (N-(1-methyl-2-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide),
- 23 its optical isomers, salts, and salts of isomers;
- 24 (51) Benzylfentanyl
- 25 (N-(1-benzyl-4-piperidyl)-N-phenylpropanamide), its optical

1 isomers, salts, and salts of isomers;

2 (52) Beta-hydroxyfentanyl (N-(1-(2-hydroxy-2-
3 phenethyl)-4-piperidinyl)-N-phenylpropanamide), its optical
4 isomers, salts, and salts of isomers;

5 (53) Beta-hydroxy-3-methylfentanyl (other name:
6 N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-
7 phenylpropanamide), its optical and geometric isomers, salts, and
8 salts of isomers;

9 (54) 3-methylthiofentanyl
10 (N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide),
11 its optical and geometric isomers, salts, and salts of isomers;

12 (55)
13 N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
14 (thenylfentanyl), its optical isomers, salts, and salts of isomers;

15 (56) Thiofentanyl
16 (N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide), its
17 optical isomers, salts, and salts of isomers; and

18 (57) Para-fluorofentanyl
19 (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)propanamide),
20 its optical isomers, salts, and salts of isomers.

21 (b) Any of the following opium derivatives, their salts,
22 isomers, and salts of isomers, unless specifically excepted,
23 whenever the existence of such salts, isomers, and salts of
24 isomers is possible within the specific chemical designation:

25 (1) Acetorphine;

- 1 (2) Acetyldihydrocodeine;
- 2 (3) Benzylmorphine;
- 3 (4) Codeine methylbromide;
- 4 (5) Codeine-N-Oxide;
- 5 (6) Cyprenorphine;
- 6 (7) Desomorphine;
- 7 (8) Dihydromorphine;
- 8 (9) Drotebanol;
- 9 (10) Etorphine, except hydrochloride salt;
- 10 (11) Heroin;
- 11 (12) Hydromorphenol;
- 12 (13) Methyldesorphine;
- 13 (14) Methyldihydromorphine;
- 14 (15) Morphine methylbromide;
- 15 (16) Morphine methylsulfonate;
- 16 (17) Morphine-N-Oxide;
- 17 (18) Myrophine;
- 18 (19) Nicocodeine;
- 19 (20) Nicomorphine;
- 20 (21) Normorphine;
- 21 (22) Pholcodine; and
- 22 (23) Thebacon.
- 23 (c) Any material, compound, mixture, or preparation which
- 24 contains any quantity of the following hallucinogenic substances,
- 25 their salts, isomers, and salts of isomers, unless specifically

1 excepted, whenever the existence of such salts, isomers, and salts
2 of isomers is possible within the specific chemical designation,
3 and, for purposes of this subdivision only, isomer shall include
4 the optical, position, and geometric isomers:

5 (1) Bufotenine. Trade and other names shall include,
6 but are not limited to: 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
7 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin;
8 5-hydroxy-N,N-dimethyltryptamine; and mappine;

9 (2) Diethyltryptamine. Trade and other names shall
10 include, but are not limited to: N,N-diethyltryptamine; and DET;

11 (3) Dimethyltryptamine. Trade and other names shall
12 include, but are not limited to: DMT;

13 (4) 4-bromo-2,5-dimethoxyamphetamine. Trade and other
14 names shall include, but are not limited to: 4-bromo-2,
15 5-dimethoxy-a-methylphenethylamine; and 4-bromo-2,5-DMA;

16 (5) 4-methoxyamphetamine. Trade and other names shall
17 include, but are not limited to: 4-methoxy-a-methyl-phenethylamine;
18 and paramethoxyamphetamine, PMA;

19 (6) 4-methyl-2, 5-dimethoxyamphetamine. Trade
20 and other names shall include, but are not limited to:
21 4-methyl-2,5-dimethoxy-a-methylphenethylamine; DOM; and STP;

22 (7) 5-methoxy-N-N, dimethyltryptamine;

23 (8) Ibogaine. Trade and other names
24 shall include, but are not limited to:
25 7-ethyl-6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-

1 pyrido (1',2':1,2) azepino (5,4-b) indole; and tabernanthe iboga;
2 (9) Lysergic acid diethylamide;
3 (10) Marijuana;
4 (11) Mescaline;
5 (12) Peyote. Peyote shall mean all parts of the plant
6 presently classified botanically as *Lophophora williamsii* Lemaire,
7 whether growing or not, the seeds thereof, any extract from
8 any part of such plant, and every compound, manufacture, salts,
9 derivative, mixture, or preparation of such plant or its seeds or
10 extracts;
11 (13) Psilocybin;
12 (14) Psilocyn;
13 (15) Tetrahydrocannabinols, including, but not limited
14 to, synthetic equivalents of the substances contained in the plant
15 or in the resinous extractives of cannabis, sp. or synthetic
16 substances, derivatives, and their isomers with similar chemical
17 structure and pharmacological activity such as the following: Delta
18 1 cis or trans tetrahydrocannabinol and their optical isomers,
19 excluding dronabinol in sesame oil and encapsulated in a soft
20 gelatin capsule in a drug product approved by the federal Food
21 and Drug Administration; Delta 6 cis or trans tetrahydrocannabinol
22 and their optical isomers; and Delta 3,4 cis or trans
23 tetrahydrocannabinol and its optical isomers. Since nomenclature
24 of these substances is not internationally standardized, compounds
25 of these structures shall be included regardless of the numerical

- 1 designation of atomic positions covered;
- 2 (16) 3,4-methylenedioxy amphetamine;
- 3 (17) 5-methoxy-3,4-methylenedioxy amphetamine;
- 4 (18) 3,4,5-trimethoxy amphetamine;
- 5 (19) N-ethyl-3-piperidyl benzilate;
- 6 (20) N-methyl-3-piperidyl benzilate;
- 7 (21) Thiophene analog of phencyclidine. Trade
8 and other names shall include, but are not limited to:
9 1-(1-(2-thienyl)-cyclohexyl)-piperidine; 2-thienyl analog of
10 phencyclidine; TCP; and TCP;
- 11 (22) 2,5-dimethoxyamphetamine. Trade and
12 other names shall include, but are not limited to:
13 2,5-dimethoxy- α -methylphenethylamine; and 2,5-DMA;
- 14 (23) Hashish or concentrated cannabis;
- 15 (24) Parahexyl. Trade and other names shall include,
16 but are not limited to: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,
17 9-trimethyl-6H-dibenzo(b,d)pyran; and synhexyl;
- 18 (25) Ethylamine analog of phencyclidine. Trade
19 and other names shall include, but are not limited to:
20 N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine;
21 N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; and PCE;
- 22 (26) Pyrrolidine analog of phencyclidine. Trade
23 and other names shall include, but are not limited to:
24 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; and PHP;
- 25 (27) 3,4-methylenedioxymethamphetamine (MDMA), its

1 optical, positional, and geometric isomers, salts, and salts of
2 isomers;

3 (28) 4-bromo-2,5-dimethoxyphenethylamine. Some trade
4 or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;
5 alpha-desmethyl DOB; 2C-B; and Nexus;

6 (29) Alpha-ethyltryptamine. Some trade or other
7 names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;
8 3-(2-aminobutyl) indole; alpha-ET; and AET;

9 (30) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

10 (31) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

11 (32) Alpha-methyltryptamine, which is also known as AMT;

12 and

13 (33) 5-Methoxy-N, N-diisopropyltryptamine, which is also
14 known as 5-MeO-DIPT; and -

15 (34) Salvia divinorum or Salvinorin A. Salvia divinorum
16 or Salvinorin A includes all parts of the plant presently
17 classified botanically as Salvia divinorum, whether growing or not,
18 the seeds thereof, any extract from any part of such plant, and
19 every compound, manufacture, derivative, mixture, or preparation of
20 such plant, its seeds, or its extracts, including salts, isomers,
21 and salts of isomers whenever the existence of such salts, isomers,
22 and salts of isomers is possible within the specific chemical
23 designation.

24 (d) Unless specifically excepted or unless listed in
25 another schedule, any material, compound, mixture, or preparation

1 which contains any quantity of the following substances having
2 a depressant effect on the central nervous system, including its
3 salts, isomers, and salts of isomers whenever the existence of
4 such salts, isomers, and salts of isomers is possible within the
5 specific chemical designation:

6 (1) Mecloqualone;

7 (2) Methaqualone; and

8 (3) Gamma-hydroxybutyric acid. Some other names include:
9 GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic
10 acid; sodium oxybate; and sodium oxybutyrate.

11 (e) Unless specifically excepted or unless listed in
12 another schedule, any material, compound, mixture, or preparation
13 which contains any quantity of the following substances having
14 a stimulant effect on the central nervous system, including its
15 salts, isomers, and salts of isomers:

16 (1) Fenethylline;

17 (2) N-ethylamphetamine;

18 (3) Aminorex; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
19 and 4,5-dihydro-5-phenyl-2-oxazolamine;

20 (4) Cathinone; 2-amino-1-phenyl-1-propanone;
21 alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrone;

22 (5) Methcathinone, its salts, optical isomers,
23 and salts of optical isomers. Some other names:
24 2-(methylamino)-propiofenone; alpha-(methylamino)propiofenone;
25 2-(methylamino)-1-phenylpropan-1-one;

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1 alpha-N-methylaminopropiophenone; methylcathinone;
2 monomethylpropion; ephedrone; N-methylcathinone; AL-464; AL-422;
3 AL-463; and UR1432;

4 (6) (+/-) cis-4-methylaminorex; and
5 (+/-) cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine;
6 and

7 (7) N,N-dimethylamphetamine;
8 N,N-alpha-trimethyl-benzeneethanamine; and
9 N,N-alpha-trimethylphenethylamine.

10 (f) Any controlled substance analogue to the extent
11 intended for human consumption.

12 Schedule II

13 (a) Any of the following substances except those narcotic
14 drugs listed in other schedules whether produced directly or
15 indirectly by extraction from substances of vegetable origin,
16 independently by means of chemical synthesis, or by combination of
17 extraction and chemical synthesis:

18 (1) Opium and opiate, and any salt, compound, derivative,
19 or preparation of opium or opiate, excluding apomorphine,
20 buprenorphine, thebaine-derived butorphanol, dextrorphan,
21 nalbuphine, nalmeffene, naloxone, and naltrexone and their
22 salts, but including the following:

23 (i) Raw opium;

24 (ii) Opium extracts;

25 (iii) Opium fluid;

- 1 (iv) Powdered opium;
- 2 (v) Granulated opium;
- 3 (vi) Tincture of opium;
- 4 (vii) Codeine;
- 5 (viii) Ethylmorphine;
- 6 (ix) Etorphine hydrochloride;
- 7 (x) Hydrocodone;
- 8 (xi) Hydromorphone;
- 9 (xii) Metopon;
- 10 (xiii) Morphine;
- 11 (xiv) Oxycodone;
- 12 (xv) Oxymorphone;
- 13 (xvi) Thebaine; and
- 14 (xvii) Dihydroetorphine;
- 15 (2) Any salt, compound, derivative, or preparation
- 16 thereof which is chemically equivalent to or identical with any of
- 17 the substances referred to in subdivision (1) of this subdivision,
- 18 except that these substances shall not include the isoquinoline
- 19 alkaloids of opium;
- 20 (3) Opium poppy and poppy straw;
- 21 (4) Coca leaves and any salt, compound, derivative, or
- 22 preparation of coca leaves, and any salt, compound, derivative,
- 23 or preparation thereof which is chemically equivalent to or
- 24 identical with any of these substances, including cocaine and
- 25 its salts, optical isomers, and salts of optical isomers, except

1 that the substances shall not include decocainized coca leaves or
2 extractions which do not contain cocaine or ecgonine; and

3 (5) Concentrate of poppy straw, the crude extract of
4 poppy straw in either liquid, solid, or powder form which contains
5 the phenanthrene alkaloids of the opium poppy.

6 (b) Unless specifically excepted or unless in another
7 schedule any of the following opiates, including their isomers,
8 esters, ethers, salts, and salts of their isomers, esters, and
9 ethers whenever the existence of such isomers, esters, ethers,
10 and salts is possible within the specific chemical designation,
11 dextrorphan excepted:

12 (1) Alphaprodine;

13 (2) Anileridine;

14 (3) Bezitramide;

15 (4) Diphenoxylate;

16 (5) Fentanyl;

17 (6) Isomethadone;

18 (7) Levomethorphan;

19 (8) Levorphanol;

20 (9) Metazocine;

21 (10) Methadone;

22 (11) Methadone-Intermediate,
23 4-cyano-2-dimethylamino-4,4-diphenyl butane;

24 (12) Moramide-intermediate,
25 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;

- 1 (13) Pethidine or meperidine;
- 2 (14) Pethidine-Intermediate-A,
3 4-cyano-1-methyl-4-phenylpiperidine;
- 4 (15) Pethidine-Intermediate-B,
5 ethyl-4-phenylpiperidine-4-carboxylate;
- 6 (16) Pethidine-Intermediate-C,
7 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 8 (17) Phenazocine;
- 9 (18) Piminodine;
- 10 (19) Racemethorphan;
- 11 (20) Racemorphan;
- 12 (21) Dihydrocodeine;
- 13 (22) Bulk propoxyphene in nondosage forms;
- 14 (23) Sufentanil;
- 15 (24) Alfentanil;
- 16 (25) Levo-alpha-acetylmethadol which is also known as
17 levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
- 18 (26) Carfentanil; and
- 19 (27) Remifentanil.
- 20 (c) Any material, compound, mixture, or preparation
21 which contains any quantity of the following substances having
22 a potential for abuse associated with a stimulant effect on the
23 central nervous system:
- 24 (1) Amphetamine, its salts, optical isomers, and salts of
25 its optical isomers;

1 (2) Phenmetrazine and its salts;

2 (3) Methamphetamine, its salts, isomers, and salts of its
3 isomers; and

4 (4) Methylphenidate.

5 (d) Any material, compound, mixture, or preparation
6 which contains any quantity of the following substances having
7 a potential for abuse associated with a depressant effect on the
8 central nervous system, including their salts, isomers, and salts
9 of isomers whenever the existence of such salts, isomers, and salts
10 of isomers is possible within the specific chemical designations:

11 (1) Amobarbital;

12 (2) Secobarbital;

13 (3) Pentobarbital;

14 (4) Phencyclidine; and

15 (5) Glutethimide.

16 (e) Hallucinogenic substances known as:

17 (1) Nabilone. Another name for
18 nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-
19 6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-
20 dibenzo(b,d)pyran-9-one.

21 (f) Unless specifically excepted or unless listed in
22 another schedule, any material, compound, mixture, or preparation
23 which contains any quantity of the following substances:

24 (1) Immediate precursor to amphetamine and
25 methamphetamine: Phenylacetone. Trade and other names shall

1 include, but are not limited to: Phenyl-2-propanone; P2P; benzyl
2 methyl ketone; and methyl benzyl ketone; or

3 (2) Immediate precursors to phencyclidine, PCP:

4 (i) 1-phenylcyclohexylamine; or

5 (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

6 Schedule III

7 (a) Any material, compound, mixture, or preparation
8 which contains any quantity of the following substances having
9 a potential for abuse associated with a stimulant effect on the
10 central nervous system, including their salts, isomers, whether
11 optical, position, or geometric, and salts of such isomers whenever
12 the existence of such salts, isomers, and salts of isomers is
13 possible within the specific chemical designation:

14 (1) Benzphetamine;

15 (2) Chlorphentermine;

16 (3) Clortermine; and

17 (4) Phendimetrazine.

18 (b) Any material, compound, mixture, or preparation
19 which contains any quantity of the following substances having
20 a potential for abuse associated with a depressant effect on the
21 central nervous system:

22 (1) Any substance which contains any quantity of a
23 derivative of barbituric acid or any salt of a derivative of
24 barbituric acid, except those substances which are specifically
25 listed in other schedules of this section;

- 1 (2) Chlorhexadol;
- 2 (3) Lysergic acid;
- 3 (4) Lysergic acid amide;
- 4 (5) Methyprylon;
- 5 (6) Sulfondiethylmethane;
- 6 (7) Sulfonethylmethane;
- 7 (8) Sulfonmethane;
- 8 (9) Nalorphine;
- 9 (10) Any compound, mixture, or preparation containing
- 10 amobarbital, secobarbital, pentobarbital, or any salt thereof and
- 11 one or more other active medicinal ingredients which are not listed
- 12 in any schedule;
- 13 (11) Any suppository dosage form containing amobarbital,
- 14 secobarbital, pentobarbital, or any salt of any of these drugs and
- 15 approved by the Food and Drug Administration for marketing only as
- 16 a suppository;
- 17 (12) Any drug product containing gamma-hydroxybutyric
- 18 acid, including its salts, isomers, and salts of isomers, for which
- 19 an application is approved under section 505 of the Federal Food,
- 20 Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
- 21 July 20, 2002;
- 22 (13) Ketamine, its salts, isomers, and
- 23 salts of isomers. Some other names for ketamine:
- 24 (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone; and
- 25 (14) Tiletamine and zolazepam or any salt thereof.

1 Trade or other names for a tiletamine-zolazepam combination
2 product shall include, but are not limited to: telazol. Trade
3 or other names for tiletamine shall include, but are not
4 limited to: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or
5 other names for zolazepam shall include, but are not limited
6 to: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e)
7 (1,4)-diazepin-7(1H)-one, and flupyrazapon.

8 (c) Unless specifically excepted or unless listed in
9 another schedule:

10 (1) Any material, compound, mixture, or preparation
11 containing limited quantities of any of the following narcotic
12 drugs, or any salts calculated as the free anhydrous base or
13 alkaloid, in limited quantities as set forth below:

14 (i) Not more than one and eight-tenths grams of codeine
15 per one hundred milliliters or not more than ninety milligrams per
16 dosage unit, with an equal or greater quantity of an isoquinoline
17 alkaloid of opium;

18 (ii) Not more than one and eight-tenths grams of codeine
19 per one hundred milliliters or not more than ninety milligrams per
20 dosage unit, with one or more active, nonnarcotic ingredients in
21 recognized therapeutic amounts;

22 (iii) Not more than three hundred milligrams of
23 dihydrocodeinone which is also known as hydrocodone per one hundred
24 milliliters or not more than fifteen milligrams per dosage unit,
25 with a fourfold or greater quantity of an isoquinoline alkaloid of

1 opium;

2 (iv) Not more than three hundred milligrams of
3 dihydrocodeinone which is also known as hydrocodone per one hundred
4 milliliters or not more than fifteen milligrams per dosage unit,
5 with one or more active, nonnarcotic ingredients in recognized
6 therapeutic amounts;

7 (v) Not more than one and eight-tenths grams of
8 dihydrocodeine per one hundred milliliters or not more than ninety
9 milligrams per dosage unit, with one or more active, nonnarcotic
10 ingredients in recognized therapeutic amounts;

11 (vi) Not more than three hundred milligrams of
12 ethylmorphine per one hundred milliliters or not more than fifteen
13 milligrams per dosage unit, with one or more active, nonnarcotic
14 ingredients in recognized therapeutic amounts;

15 (vii) Not more than five hundred milligrams of opium per
16 one hundred milliliters or per one hundred grams, or not more than
17 twenty-five milligrams per dosage unit, with one or more active,
18 nonnarcotic ingredients in recognized therapeutic amounts; and

19 (viii) Not more than fifty milligrams of morphine per
20 one hundred milliliters or per one hundred grams with one or more
21 active, nonnarcotic ingredients in recognized therapeutic amounts;
22 and

23 (2) Any material, compound, mixture, or preparation
24 containing any of the following narcotic drug or its salts, as
25 set forth below:

1 (i) Buprenorphine.

2 (d) Unless contained on the administration's list of
3 exempt anabolic steroids as the list existed on June 1, 2007,
4 any anabolic steroid, which shall include any material, compound,
5 mixture, or preparation containing any quantity of the following
6 substances, including its salts, isomers, and salts of isomers
7 whenever the existence of such salts of isomers is possible within
8 the specific chemical designation:

- 9 (1) Boldenone;
- 10 (2) Chlorotestosterone (4-chlortestosterone);
- 11 (3) Clostebol;
- 12 (4) Dehydrochlormethyltestosterone;
- 13 (5) Dihydrotestosterone (4-dihydrotestosterone);
- 14 (6) Drostanolone;
- 15 (7) Ethylestrenol;
- 16 (8) Fluoxymesterone;
- 17 (9) Formebolone (formebolone);
- 18 (10) Mesterolone;
- 19 (11) Methandienone;
- 20 (12) Methandranone;
- 21 (13) Methandriol;
- 22 (14) Methandrostenolone;
- 23 (15) Methenolone;
- 24 (16) Methyltestosterone;
- 25 (17) Mibolerone;

- 1 (18) Nandrolone;
- 2 (19) Norethandrolone;
- 3 (20) Oxandrolone;
- 4 (21) Oxymesterone;
- 5 (22) Oxymetholone;
- 6 (23) Stanolone;
- 7 (24) Stanozolol;
- 8 (25) Testolactone;
- 9 (26) Testosterone;
- 10 (27) Trenbolone; and
- 11 (28) Any salt, ester, or isomer of a drug or substance
- 12 described or listed in this subdivision if the salt, ester, or
- 13 isomer promotes muscle growth.

14 (e) Hallucinogenic substances known as:

- 15 (1) Dronabinol, synthetic, in sesame oil and encapsulated
- 16 in a soft gelatin capsule in a Food and Drug Administration
- 17 approved drug product. Some other names for dronabinol are
- 18 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo
- 19 (b,d)pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol.

20 Schedule IV

21 (a) Any material, compound, mixture, or preparation which

22 contains any quantity of the following substances, including their

23 salts, isomers, and salts of isomers whenever the existence of

24 such salts, isomers, and salts of isomers is possible within the

25 specific chemical designation:

- 1 (1) Barbital;
- 2 (2) Chloral betaine;
- 3 (3) Chloral hydrate;
- 4 (4) Chlordiazepoxide, but not including librax
- 5 (chlordiazepoxide hydrochloride and clindinium bromide) or menrium
- 6 (chlordiazepoxide and water soluble esterified estrogens);
- 7 (5) Clonazepam;
- 8 (6) Clorazepate;
- 9 (7) Diazepam;
- 10 (8) Ethchlorvynol;
- 11 (9) Ethinamate;
- 12 (10) Flurazepam;
- 13 (11) Mebutamate;
- 14 (12) Meprobamate;
- 15 (13) Methohexital;
- 16 (14) Methylphenobarbital;
- 17 (15) Oxazepam;
- 18 (16) Paraldehyde;
- 19 (17) Petrichloral;
- 20 (18) Phenobarbital;
- 21 (19) Prazepam;
- 22 (20) Alprazolam;
- 23 (21) Bromazepam;
- 24 (22) Camazepam;
- 25 (23) Clobazam;

- 1 (24) Clotiazepam;
- 2 (25) Cloxazolam;
- 3 (26) Delorazepam;
- 4 (27) Estazolam;
- 5 (28) Ethyl loflazepate;
- 6 (29) Fludiazepam;
- 7 (30) Flunitrazepam;
- 8 (31) Halazepam;
- 9 (32) Haloxazolam;
- 10 (33) Ketazolam;
- 11 (34) Loprazolam;
- 12 (35) Lorazepam;
- 13 (36) Lormetazepam;
- 14 (37) Medazepam;
- 15 (38) Nimetazepam;
- 16 (39) Nitrazepam;
- 17 (40) Nordiazepam;
- 18 (41) Oxazolam;
- 19 (42) Pinazepam;
- 20 (43) Temazepam;
- 21 (44) Tetrazepam;
- 22 (45) Triazolam;
- 23 (46) Midazolam;
- 24 (47) Quazepam;
- 25 (48) Zolpidem;

1 (49) Dichloralphenazone; and

2 (50) Zaleplon.

3 (b) Any material, compound, mixture, or preparation which
4 contains any quantity of the following substance, including its
5 salts, isomers, whether optical, position, or geometric, and salts
6 of such isomers, whenever the existence of such salts, isomers, and
7 salts of isomers is possible: Fenfluramine.

8 (c) Unless specifically excepted or unless listed in
9 another schedule, any material, compound, mixture, or preparation
10 which contains any quantity of the following substances having a
11 stimulant effect on the central nervous system, including their
12 salts, isomers, whether optical, position, or geometric, and salts
13 of such isomers whenever the existence of such salts, isomers,
14 and salts of isomers is possible within the specific chemical
15 designation:

16 (1) Diethylpropion;

17 (2) Phentermine;

18 (3) Pemoline, including organometallic complexes and
19 chelates thereof;

20 (4) Mazindol;

21 (5) Pipradrol;

22 (6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);

23 (7) Cathine. Another name for cathine is
24 ((+)-norpseudoephedrine);

25 (8) Fencamfamin;

1 (9) Fenproporex;

2 (10) Mefenorex;

3 (11) Modafinil; and

4 (12) Sibutramine.

5 (d) Unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation
7 which contains any quantity of the following narcotic drugs, or
8 their salts or isomers calculated as the free anhydrous base or
9 alkaloid, in limited quantities as set forth below:

10 (1) Propoxyphene in manufactured dosage forms; and

11 (2) Not more than one milligram of difenoxin and not less
12 than twenty-five micrograms of atropine sulfate per dosage unit.

13 (e) Unless specifically excepted or unless listed in
14 another schedule, any material, compound, mixture, or preparation
15 which contains any quantity of the following substance, including
16 its salts: Pentazocine.

17 (f) Unless specifically excepted or unless listed in
18 another schedule, any material, compound, mixture, or preparation
19 which contains any quantity of the following substance, including
20 its salts, isomers, and salts of such isomers: Butorphanol.

21 (g)(1) Unless specifically excepted or unless listed in
22 another schedule, any material, compound, mixture, or preparation
23 which contains any quantity of the following substance, including
24 its salts, optical isomers, and salts of such optical isomers:
25 Ephedrine.

1 (2) The following drug products containing ephedrine,
2 its salts, optical isomers, and salts of such optical isomers
3 are excepted from subdivision (g)(1) of Schedule IV if they may
4 lawfully be sold over the counter without a prescription under
5 the Federal Food, Drug, and Cosmetic Act, as the act existed on
6 September 1, 2001; are labeled and marketed in a manner consistent
7 with the pertinent OTC Tentative Final or Final Monograph; are
8 manufactured and distributed for legitimate medicinal use in a
9 manner that reduces or eliminates the likelihood of abuse; and
10 are not marketed, advertised, or represented in any manner for the
11 indication of stimulation, mental alertness, euphoria, ecstasy, a
12 buzz or high, heightened sexual performance, or increased muscle
13 mass:

- 14 (A) Primatene Tablets;
15 (B) Bronkaid Dual Action Caplets; and
16 (C) Pazo Hemorrhoidal Ointment.

17 (3) Food and dietary supplements described in 21 U.S.C.
18 321, as such section existed on September 1, 2001, containing
19 ephedrine, including its salts, optical isomers, and salts of such
20 optical isomers, are excepted from subdivision (g)(1) of Schedule
21 IV if:

22 (A) They are labeled in a manner consistent with section
23 28-448 and bear the statements: "This statement has not been
24 evaluated by the Food and Drug Administration. This product is not
25 intended to diagnose, treat, cure, or prevent any disease.";

1 (B) Any dosage form of the food or dietary supplements
2 (i) does not contain any hydrochloride or sulfate salts of
3 ephedrine alkaloids, (ii) does not contain more than twenty-five
4 milligrams of ephedrine alkaloids, and (iii) does not contain
5 ephedrine alkaloids in excess of five percent of the total capsule
6 weight;

7 (C) They are not marketed, advertised, or represented in
8 any manner for the indication of stimulation, mental alertness,
9 euphoria, ecstasy, a buzz or high, heightened sexual performance,
10 or increased muscle mass; and

11 (D) Analysis of the product is provided to the department
12 to ensure that the product meets the requirements of subdivision
13 (g) (3) (B) of Schedule IV.

14 Schedule V

15 (a) Any compound, mixture, or preparation containing any
16 of the following limited quantities of narcotic drugs or salts
17 calculated as the free anhydrous base or alkaloid, which shall
18 include one or more nonnarcotic active medicinal ingredients in
19 sufficient proportion to confer upon the compound, mixture, or
20 preparation valuable medicinal qualities other than those possessed
21 by the narcotic drug alone:

22 (1) Not more than two hundred milligrams of codeine per
23 one hundred milliliters or per one hundred grams;

24 (2) Not more than one hundred milligrams of
25 dihydrocodeine per one hundred milliliters or per one hundred

1 grams;

2 (3) Not more than one hundred milligrams of ethylmorphine
3 per one hundred milliliters or per one hundred grams;

4 (4) Not more than two and five-tenths milligrams of
5 diphenoxylate and not less than twenty-five micrograms of atropine
6 sulfate per dosage unit;

7 (5) Not more than one hundred milligrams of opium per one
8 hundred milliliters or per one hundred grams; and

9 (6) Not more than five-tenths milligram of difenoxin and
10 not less than twenty-five micrograms of atropine sulfate per dosage
11 unit.

12 (b) Unless specifically exempted or excluded or unless
13 listed in another schedule, any material, compound, mixture, or
14 preparation which contains any quantity of the following substances
15 having a stimulant effect on the central nervous system, including
16 its salts, isomers, and salts of isomers: Pyrovalerone.

17 Sec. 2. Original section 28-405, Revised Statutes
18 Supplement, 2007, is repealed.